

AUG. 31. 2004 3:03PM BST&Z - CM

NO. 3151 P. 1

TO: USPTO

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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**INTELLECTUAL PROPERTY LAW
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Deliver to: Craig Thompson, USPTO **Art Group:** 2813
Facsimile No.: (703) 872-9306 **Date:** August 31, 2004
From: Thinh V. Nguyen, Reg. No. 42,034
Our Docket No.: 42P13554D **Number of pages** 7 including this sheet.
Application No.: 10/777,619 **Filing Date:** 2/12/2004
Docket Due Date(s): 9/2/2004

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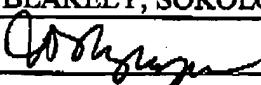
Tu T. Nguyen 08/31/2004

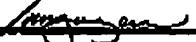
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/777,619
		Filing Date	February 12, 2004
		First Named Inventor	Lamberto V. Nepomuceno
		Art Unit	2813
		Examiner Name	Craig Thompson
Total Number of Pages in This Submission	5	Attorney Docket Number	42P13554D

ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 31, 2004

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Signature		Date	August 31, 2004

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**FEE TRANSMITTAL
for FY 2004**

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

<u>Complete if Known</u>	
Application Number	10/777,619
Filing Date	February 12, 2004
First Named Inventor	Lamberto V. Nepomuceno
Examiner Name	Craig Thompson
Art Unit	2813
Attorney Docket No.	42P13554D

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit
Account
Number **02-2666**

The Commissioner is authorized to: (check all that apply)

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Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.16 and 1.20.

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FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1001	770	2001	385 Utility filing fee
1002	340	2002	170 Design filing fee
1003	630	2003	265 Plant filing fee
1004	770	2004	385 Reissue filing fee
1005	190	2005	80 Provisional filing fee

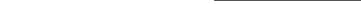
2. EXTRA CLAIM FEES

Total Claims		Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	146	Multiple Dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	8	**Reissue claims in excess of 20 and over original patent

*Or number previously paid, if greater. For Reissues, see below.

SUBMITTED BY

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature				Date	08/31/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Solkoff, Taylor & Zalman (wtr) 02/10/2004.
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FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

<i>Complete if Known</i>	
Application Number	10/777,619
Filing Date	February 12, 2004
First Named Inventor	Lamberto V. Nepomuceno
Examiner Name	Craig Thompson
Art Unit	2813
Attorney Docket No.	42PT13554D

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	180	2005	80	Provisional filing fee
SUBTOTAL (1)		(\$)		

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		20*	=	
	3	=	x	

Multiple Dependent
Claims

20* = x =

3 = x =

= =

SUBTOTAL (2) (\$)

*Or number previously paid, if greater. For Reissues, see below

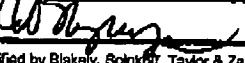
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	180	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
2053	130	2053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	820*	1804 820 * Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840 * Requesting publication of SIR after Examiner action	
1281	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1404	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	2451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or release)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	2460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(d)	
1808	180	1808 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (itemized number of properties)	
1809	770	1809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone	Complete (if applicable)
Thinh V. Nguyen		42,034	(714) 557-3800	
Date				08/31/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 02/10/2004.
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NO. 3151

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Appl. No. 10/777,619
Amtd. Dated 08/31/2004
Reply to Office action of 08/02/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	10/777,619	Confirmation No. 4618
Applicant	:	Lamberto V. Nepomuceno	
Filed	:	02/12/2004	
TC/A.U.	:	2813	
Examiner	:	Craig Thompson	
Docket No.	:	042390.P13554D	
Customer No.	:	8791	

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action mailed August 2, 2004, the Examiner contends that Applicant claims two distinct inventions; namely, Group I (claims 1-18), drawn to a method, classified in class 438, subclass 110 and Group II (claims 19-36), drawn to article system, classified in class 700, subclass 121. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In response, Applicants submit that the restriction requirement is improper because part of the claims in question were canceled. Claims 1-18 and 27-36 were canceled and new claims 37-44 were added in the preliminary amendment filed on February 12, 2004.

Appl. No. 10/777,619
Amdt. Dated 08/31/2004
Reply to Office action of 08/02/2004

Conclusion

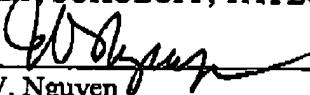
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 31, 2004

By


Thinh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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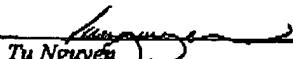
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August 31, 2004


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